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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

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**NORTHWEST ENVIRONMENTAL  
ADVOCATES,**

**Plaintiff,**

**v.**

**UNITED STATES FISH AND  
WILDLIFE SERVICE and UNITED  
STATES ENVIRONMENTAL  
PROTECTION AGENCY,**

**Defendants.**

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**Case No. 3:18-CV-01420-AC**

**JOINT MOTION FOR ENTRY OF  
REVISED CASE SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16 and LR 16-2, the Parties—  
 Plaintiffs Northwest Environmental Advocates and Defendants the U.S. Fish and Wildlife  
 Service and U.S. Environmental Protection Agency—have conferred and hereby jointly submit  
 this motion for entry of a revised case scheduling order for resolution of this lawsuit and  
 respectfully request that the Court approve this schedule in an Order.

### **MOTION**

The Parties jointly respectfully request that the Court formally adopt—and enter an order  
 incorporating—the following proposed schedule:

<b>ACTION REQUIRED</b>	<b>DATE</b>
Deadline for Plaintiff to file a Motion for Summary Judgment	October 23, 2020
Deadline for Defendants to file a combined Opposition and Cross-Motion for Summary Judgment	December 11, 2020
Deadline for Plaintiff to file a combined Opposition and Reply in Support of Motion for Summary Judgment	January 29, 2021
Deadline for Defendants to file a Reply in Support of their Cross-Motion for Summary Judgment	March 10, 2021

### **MEMORANDUM IN SUPPORT**

1. On June 9, 2020 the Court issued an Order directing the Parties to confer and file a proposed briefing schedule by June 12, 2020. ECF 43.
2. The Parties agree that, based on information currently available to them, the merits of Plaintiffs' claims against both agency Defendants will be resolved by summary judgment.

3. Plaintiff may offer previously undisclosed extra-record evidence in support of its motion for summary judgment. Defendants accordingly reserve the right to invoke Federal Rule of Civil Procedure 56(d) if, upon review of such evidence, they decide to move for leave of Court to take discovery, allow time to obtain affidavits or declarations, and defer summary judgment briefing for that purpose or other request appropriate under the circumstances.

4. The Parties recognize that the foregoing schedule is subject to some contingencies, including the schedules of counsel. Therefore, the Parties agree that, in the event that changed circumstances necessitate revisions to this schedule, the Parties will confer and jointly propose a revised schedule for the Court's review and approval or otherwise seek amendment upon a showing of good cause.

Accordingly, the Parties respectfully request that the Court enter the above-mentioned schedule.

Dated this 11th day of June, 2020.

Respectfully submitted,

/s/ James Saul (by consent)

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